



PTO/SB/17 (12-04v2)

Approved for use through 7/31/2006. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no person are required to respond to a collection of information unless it displays a valid OMB control number.

SPL \$

Effective on 12/08/2004.

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL For FY 2006

Applicant claims small entity status. See 37 CFR 1.27

| | | | | |
|-------------------------|------|-----|---------------------|--------------|
| TOTAL AMOUNT OF PAYMENT | (\$) | 310 | Attorney Docket No. | 31672-224620 |
|-------------------------|------|-----|---------------------|--------------|

Complete if Known

| | |
|----------------------|--------------------|
| Application Number | 10/665,518 |
| Filing Date | September 22, 2003 |
| First Named Inventor | Stamm |
| Examiner Name | Sheikh |
| Art Unit | 1615 |

METHOD OF PAYMENT (check all that apply)

Check Credit Card Money Order None Other (please identify): _____
 Deposit Account Deposit Account Number: 22-0261 Deposit Account Name: Venable LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

Charge fee(s) indicated below Charge fee(s) indicated below, except for the filing fee
 Charge any additional fee(s) or underpayment of fee(s) under 37 CFR 1.16 and 1.17 Credit any overpayments

FEE CALCULATION (All the fees below are due upon filing or may be subject to a surcharge.)

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

| <u>Application Type</u> | <u>FILING FEES</u> | | <u>SEARCH FEES</u> | | <u>EXAMINATION FEES</u> | | |
|-------------------------|--------------------|------------------------------|--------------------|------------------------------|-------------------------|------------------------------|-----------------------|
| | <u>Fee (\$)</u> | <u>Small Entity Fee (\$)</u> | <u>Fee (\$)</u> | <u>Small Entity Fee (\$)</u> | <u>Fee (\$)</u> | <u>Small Entity Fee (\$)</u> | <u>Fees Paid (\$)</u> |
| Utility | 300 | 150 | 500 | 250 | 200 | 100 | |
| Design | 200 | 100 | 100 | 50 | 130 | 65 | |
| Plant | 200 | 100 | 300 | 150 | 160 | 80 | |
| Reissue | 300 | 150 | 500 | 250 | 600 | 300 | |
| Provisional | 200 | 100 | 0 | 0 | 0 | 0 | |

2. EXCESS CLAIM FEES

Fee Description

Each claim over 20 (including Reissues)

| | | | |
|---------------------|---------------------|-----------------|----------------------|
| <u>Total Claims</u> | <u>Extra Claims</u> | <u>Fee (\$)</u> | <u>Fee Paid (\$)</u> |
| - 20 or HP | x | = | |

| | |
|-----------------|------------------------------|
| <u>Fee (\$)</u> | <u>Small Entity Fee (\$)</u> |
|-----------------|------------------------------|

Each independent claim over 3 (including Reissues)

| | |
|-----------------|----------------------|
| <u>Fee (\$)</u> | <u>Fee Paid (\$)</u> |
|-----------------|----------------------|

Multiple dependent claims

Multiple Dependent Claims

| | |
|-----------------|----------------------|
| <u>Fee (\$)</u> | <u>Fee Paid (\$)</u> |
|-----------------|----------------------|

HP = highest number of total claims paid for, if greater than 20.

| | | | |
|----------------------|---------------------|-----------------|----------------------|
| <u>Indep. Claims</u> | <u>Extra Claims</u> | <u>Fee (\$)</u> | <u>Fee Paid (\$)</u> |
| - 3 or HP | x | = | |

HP = highest number of total claims paid for, if greater than 3.

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

| | | | | |
|---------------------|---------------------|---|-----------------|----------------------|
| <u>Total Sheets</u> | <u>Extra Sheets</u> | <u>Number of each additional 50 or fraction thereof</u> | <u>Fee (\$)</u> | <u>Fee Paid (\$)</u> |
| - 100 = | /50 | (round up to a whole number) x | = | |

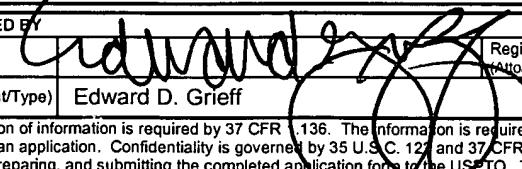
| |
|-----------------------|
| <u>Fees Paid (\$)</u> |
|-----------------------|

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): Terminal Disclaimer (\$130); IDS (\$180) \$310

SUBMITTED BY

| | | | | | |
|-------------------|---|--------------------------------------|---------------|-----------|----------------|
| Signature |  | Registration No. (Attorney/Agent) | 38,898 | Telephone | (202) 344-4000 |
| Name (Print/Type) | Edward D. Grief | Date | June 19, 2006 | | |

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 127 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete the form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: **Stamm et al**

Application No. **10/665,518**

Group Art Unit: **1615**

Filed: **September 22, 2003**

Examiner: **Sheikh**

For: **Capsules Containing Fenofibrate Compositions**

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

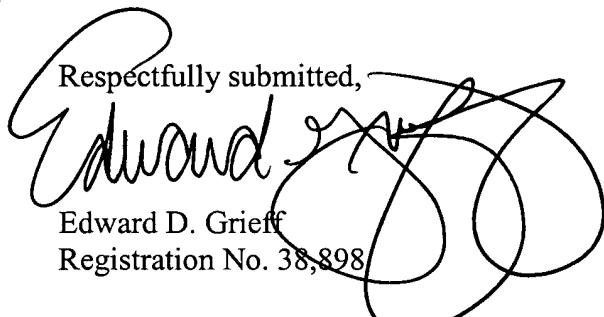
Transmittal Letters

Enclosed herewith for appropriate action by the US Patent Office are the following:

1. Terminal Disclaimer.
2. Information Disclosure Statement, PTO-1449 Form, and a copy of the required cited references.

The Commissioner is authorized to charge the fee of \$310 (including \$130 for the Terminal Disclaimer and \$180 for the IDS) to Deposit Account No. 22-0261. The Commissioner is authorized to charge any other necessary fees or credit any overpayments to Deposit Account No. 22-0261.

Respectfully submitted,


Edward D. Grieff
Registration No. 38,898

Date: June 19, 2006
Venable LLP
575 7th Street, NW
Washington, DC 20004
Phone: 202-344-4382



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: **Stamm et al**

Application No. 10/665,518

Group Art Unit: 1615

Filed: **September 22, 2003**

Examiner: **Sheikh**

For: **Capsules Containing Fenofibrate Compositions**

Docket: 31672-224620

Commissioner of Patents
PO Box 1450
Alexandria, VA 22313-1450

Terminal Disclaimer

Laboratoires Fournier, S.A. certifies that it is the owner of the entire right, title and interest in Application No. 10/665,518 filed September 22, 2003, entitled "Capsules Containing Fenofibrate Compositions" (hereafter the "above-identified application") by virtue of an Assignment recorded in the US Patent and Trademark Office on June 17, 1998, at Reel 9260, Frame 0797.

Laboratoires Fournier, S.A. certifies that it is the owner of the entire right, title and interest in US Application No. 10/665,520 filed September 22, 2003, by virtue of an Assignment recorded in the US Patent and Trademark Office on June 17, 1998, at Reel 9260, Frame 0797.

Pursuant to 37 CFR § 1.321, Laboratoires Fournier, S.A. hereby disclaims the terminal part of any patent granted on the above-identified application which would extend beyond the expiration date of any patent granted on US Application No. 10/665,520 filed September 22, 2003, and hereby agree that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to any patent granted on US Application No. 10/665,520 filed September 22, 2003; this agreement to run with any patent granted on the above-identified application and to be binding upon the grantor, its successors or assigns.

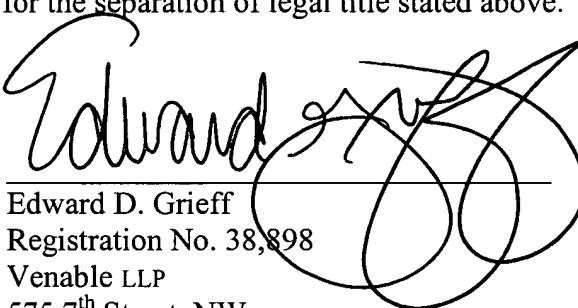
Laboratoires Fournier, S.A. does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory

06/21/2006 HAL111 00000073 220261 10665518
01 FC:1814 130.00 DA

Terminal Disclaimer
US Application No. 10/665,518
Page 2 of 2

term of any patent granted on US Application No. 10/665,520 filed September 22, 2003, in the event that any patent granted on US Application No. 10/665,520 filed September 22, 2003, later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR § 1.32(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

By:

A handwritten signature in black ink, appearing to read "Edward D. Grieff".

Edward D. Grieff

Registration No. 38,898
Venable LLP
575 7th Street, NW
Washington, DC 20004
Phone: 202-344-4382
Fax: 202-344-8300

Date: June 19, 2006



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: **Stamm et al**

Application No. **10/665,518**

Group Art Unit: **1615**

Filed: **September 22, 2003**

Examiner: **Sheikh**

For: **Capsules Containing Fenofibrate Compositions**

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Information Disclosure Statement

Pursuant to 37 CFR §§ 1.56, 1.97 and 1.98, Applicants bring to the attention of the Examiner the documents listed on the attached PTO-1449 Form. A copy of the Non Patent Literature Documents and the Foreign Patent Documents is attached hereto.

The submission of this Information Disclosure Statement does not represent that a search has been made and does not constitute an admission that the listed documents, oppositions and/or litigations are material to patentability or that the listed documents are prior art.

This Information Disclosure Statement is being filed after the mailing date of a first office action on the merits, but before a final office action or a notice of allowance. Accordingly, the Commissioner is authorized to charge the fee of **\$180** to Deposit Account No. 22-0261. The Commissioner is authorized to charge any other necessary fees or credit any overpayments to Deposit Account No. 22-0261.

Applicants respectfully request that the PTO return an initialed copy of the PTO-1449 Form with the next communication from the Office.

06/21/2006 HAL111 00000072 220261 10665518
01 FC:1806 180.00 DA

Respectfully submitted,

Edward D. Grieff
Registration No. 38,898

Date: June 19, 2006

Venable LLP

575 7th Street, NW

Washington, DC 20004

Phone: 202-344-4382



PTO/SB/08A (07-05)

Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Substitute for form 1449/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sh

1

of 2

Complete if Known

| | |
|------------------------|--------------------|
| Application Number | 10/665,518 |
| Filing Date | September 22, 2003 |
| First Named Inventor | Stamm |
| Art Unit | 1615 |
| Examiner Name | Sheikh |
| Attorney Docket Number | 224620 |

U. S. PATENT DOCUMENTS

FOREIGN PATENT DOCUMENTS

| | | | |
|-------------------------------|--|----------------------------|--|
| Examiner Signature | | Date Considered | |
|-------------------------------|--|----------------------------|--|

***EXAMINER:** Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. **Applicant's unique citation designation number (optional).** ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet 2

of 2

Complete if Known

| | |
|------------------------|--------------------|
| Application Number | 10/665,518 |
| Filing Date | September 22, 2003 |
| First Named Inventor | Stamm |
| Art Unit | 1615 |
| Examiner Name | Sheikh |
| Attorney Docket Number | 224620 |

NON PATENT LITERATURE DOCUMENTS

| Examiner Initials* | Cite No. ¹ | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. | T ² |
|--------------------|-----------------------|---|----------------|
| | | Opposition to European Patent No. 1 273 293 filed 9-2-2005 by Ethypharm. (English Language Translation) | ✓ |
| | | Laboratoires S.M.B. S.A. Report pages 1-4 (undated) | |
| | | Report from Pr. Rosset entitled "La biodisponibilite du fenofibrate et les polymeres hydrophiles," Pages 1-20 (March 1, 2005) | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |

| | |
|--------------------|-----------------|
| Examiner Signature | Date Considered |
|--------------------|-----------------|

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

1 Applicant's unique citation designation number (optional). 2 Applicant is to place a check mark here if English language Translation is attached.
 This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO:
 Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.